

AMENDED IN SENATE AUGUST 14, 2014

AMENDED IN SENATE JUNE 12, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY APRIL 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2044**

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**Introduced by Assembly Member Rodriguez**

February 20, 2014

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An act to amend Sections 1569.618 and 1569.625 of the Health and Safety Code, relating to care facilities.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2044, as amended, Rodriguez. Residential care facilities for the elderly.

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. A violation of these provisions is a misdemeanor.

Existing law requires the administrator designated by the licensee to be present at the facility during normal working hours and requires a facility manager, as defined, to be responsible for the operation of the facility when the administrator is temporarily absent from the facility.

This bill would require that at least one administrator, facility manager, or designated substitute who is at least 21 years of age and has adequate qualifications, as specified, be on the premises of the facility 24 hours per day. The bill would also require the facility to employ, and the administrator to schedule, a sufficient number of staff members, as prescribed.

Existing law requires the department to adopt regulations to require staff members who assist residents with personal activities of daily living to receive appropriate training, which consists of 10 hours of training within the first 4 weeks and 4 hours annually thereafter. Existing law requires that the training include specified topics.

This bill would require that this training also include building and fire safety and the appropriate response to emergencies.

By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*This bill would incorporate additional changes to Section 1569.618 of the Health and Safety Code proposed by AB 1571 that would become operative if this bill and AB 1571 are both enacted and this bill is enacted last.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1569.618 of the Health and Safety Code  
2     is amended to read:  
3     1569.618. (a) The administrator designated by the licensee  
4     pursuant to subdivision (k) of Section 1569.15 shall be present at  
5     the facility during normal working hours. A facility manager  
6     designated by the licensee with notice to the department, shall be  
7     responsible for the operation of the facility when the administrator  
8     is temporarily absent from the facility.  
9     (b) At least one administrator, facility manager, or designated  
10    substitute who is at least 21 years of age and has qualifications  
11    adequate to be responsible and accountable for the management  
12    and administration of the facility pursuant to Title 22 of the  
13    California Code of Regulations shall be on the premises 24 hours  
14    per day. *The designated substitute may be a direct care staff*  
15    *member who shall not be required to meet the educational,*  
16    *certification, or training requirements of an administrator. The*

1 *designated substitute shall meet qualifications that include, but*  
2 *are not limited to, all of the following:*

3 *(1) Knowledge of the requirements for providing care and*  
4 *supervision appropriate to each resident of the facility.*

5 *(2) Familiarity with the facility's planned emergency*  
6 *procedures.*

7 *(3) Training to effectively interact with emergency personnel*  
8 *in the event of an emergency call, including an ability to provide*  
9 *a resident's medical records to emergency responders.*

10 (c) The facility shall employ, and the administrator shall  
11 schedule, a sufficient number of staff members to do all of the  
12 following:

13 (1) Provide the care required in each resident's written record  
14 of care as described in Section 1569.80.

15 (2) Ensure the health, safety, comfort, and supervision of the  
16 residents.

17 (3) Ensure that at least one staff member who has  
18 cardiopulmonary resuscitation (CPR) training and first aid training  
19 is on duty and on the premises at all times. This paragraph shall  
20 not be construed to require staff to provide CPR to a resident who  
21 ~~has requested to forgo resuscitative measures as indicated by a~~  
22 ~~Physician Orders for Life Sustaining Treatment form or a~~  
23 ~~do-not-resuscitate order that is made available to the facility.~~ CPR.

24 (4) Ensure that the facility is clean, safe, sanitary, and in good  
25 repair at all times.

26 (d) "Facility manager" means a person on the premises with the  
27 authority and responsibility necessary to manage and control the  
28 day-to-day operation of a residential care facility for the elderly  
29 and supervise the clients. The facility manager, licensee, and  
30 administrator, or any combination thereof, may be the same person  
31 provided he or she meets all applicable requirements. If the  
32 administrator is also the facility manager for the same facility, he  
33 or she shall be limited to the administration and management of  
34 only one facility.

35 *SEC. 1.5. Section 1569.618 of the Health and Safety Code is*  
36 *amended to read:*

37 1569.618. (a) The administrator designated by the licensee  
38 pursuant to ~~subdivision (k)~~ *paragraph (10) of subdivision (a)* of  
39 Section 1569.15 shall be present at the facility during normal  
40 working hours. A facility manager designated by the licensee with

1 notice to the department, shall be responsible for the operation of  
2 the facility when the administrator is temporarily absent from the  
3 facility.

4 *(b) At least one administrator, facility manager, or designated*  
5 *substitute who is at least 21 years of age and has qualifications*  
6 *adequate to be responsible and accountable for the management*  
7 *and administration of the facility pursuant to Title 22 of the*  
8 *California Code of Regulations shall be on the premises 24 hours*  
9 *per day. The designated substitute may be a direct care staff*  
10 *member who shall not be required to meet the educational,*  
11 *certification, or training requirements of an administrator. The*  
12 *designated substitute shall meet qualifications that include, but*  
13 *are not limited to, all of the following:*

14 *(1) Knowledge of the requirements for providing care and*  
15 *supervision appropriate to each resident of the facility.*

16 *(2) Familiarity with the facility's planned emergency*  
17 *procedures.*

18 *(3) Training to effectively interact with emergency personnel*  
19 *in the event of an emergency call, including an ability to provide*  
20 *a resident's medical records to emergency responders.*

21 *(c) The facility shall employ, and the administrator shall*  
22 *schedule, a sufficient number of staff members to do all of the*  
23 *following:*

24 *(1) Provide the care required in each resident's written record*  
25 *of care as described in Section 1569.80.*

26 *(2) Ensure the health, safety, comfort, and supervision of the*  
27 *residents.*

28 *(3) Ensure that at least one staff member who has*  
29 *cardiopulmonary resuscitation (CPR) training and first aid training*  
30 *is on duty and on the premises at all times. This paragraph shall*  
31 *not be construed to require staff to provide CPR.*

32 *(4) Ensure that the facility is clean, safe, sanitary, and in good*  
33 *repair at all times.*

34 ~~(b)~~

35 *(d) "Facility manager" means a person on the premises with the*  
36 *authority and responsibility necessary to manage and control the*  
37 *day-to-day operation of a residential care facility for the elderly*  
38 *and supervise the clients. The facility manager, licensee, and*  
39 *administrator, or any combination thereof, may be the same person*  
40 *provided he or she meets all applicable requirements. If the*

1 administrator is also the facility manager for the same facility, he  
2 or she shall be limited to the administration and management of  
3 only one facility.

4 SEC. 2. Section 1569.625 of the Health and Safety Code is  
5 amended to read:

6 1569.625. (a) The Legislature finds that the quality of services  
7 provided to residents of residential care facilities for the elderly is  
8 dependent upon the training and skills of staff. It is the intent of  
9 the Legislature in enacting this section to ensure that direct-care  
10 staff have the knowledge and proficiency to carry out the tasks of  
11 their jobs.

12 (b) The department shall adopt regulations to require staff  
13 members of residential care facilities for the elderly who assist  
14 residents with personal activities of daily living to receive  
15 appropriate training. This training shall consist of 10 hours of  
16 training within the first four weeks of employment and four hours  
17 annually thereafter. This training shall be administered on the job,  
18 or in a classroom setting, or any combination of the two. The  
19 department shall establish, in consultation with provider  
20 organizations, the subject matter required for this training.

21 (c) The training shall include, but not be limited to, the  
22 following:

- 23 (1) Physical limitations and needs of the elderly.
- 24 (2) Importance and techniques for personal care services.
- 25 (3) Residents' rights.
- 26 (4) Policies and procedures regarding medications.
- 27 (5) Psychosocial needs of the elderly.
- 28 (6) Building and fire safety and the appropriate response to  
29 emergencies.

30 SEC. 3. No reimbursement is required by this act pursuant to  
31 Section 6 of Article XIII B of the California Constitution because  
32 the only costs that may be incurred by a local agency or school  
33 district will be incurred because this act creates a new crime or  
34 infraction, eliminates a crime or infraction, or changes the penalty  
35 for a crime or infraction, within the meaning of Section 17556 of  
36 the Government Code, or changes the definition of a crime within  
37 the meaning of Section 6 of Article XIII B of the California  
38 Constitution.

39 SEC. 4. *Section 1.5 of this bill incorporates amendments to*  
40 *Section 1569.618 of the Health and Safety Code proposed by both*

1 *this bill and Assembly Bill 1571. It shall only become operative if*  
2 *(1) both bills are enacted and become effective on or before*  
3 *January 1, 2015, (2) each bill amends Section 1569.618 of the*  
4 *Health and Safety Code, and (3) this bill is enacted after Assembly*  
5 *Bill 1571, in which case Section 1 of this bill shall not become*  
6 *operative.*

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